

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 5, 1938.

The City Council of the City of Austin, Texas, met in regular session at the regular meeting place in the City Hall on May 5, 1938, at 10:15 A. M., with Mayor Pro Tem. Oswald G. Wolf presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, and Mayor Pro Tem. Oswald G. Wolf; absent, Mayor Tom Miller.

In observance of "BOY AND GIRL WEEK", the Junior City Council, composed of Bill Clark, Mayor; Mary Julia Blucher; William Dusterhoft; Patty Nolen; and Metta Ann Wilson; Councilmen; and Robert Rustin, City Manager, were present as guests of the City Council.

The reading of the Minutes was dispensed with.

A petition of property owners in the vicinity of Lot 125, Tarrytown No. 3, asking that the zoning of said lot be changed from "A" Residence District to "B" Residence District, was received and referred to the Board of Adjustment for consideration.

The following report of the Board of Adjustment was received:

"Hon. Mayor and City Council
Austin, Texas

Gentlemen:

The Board of Adjustment at a meeting held on April 19th, 1938, passed the following resolution, which is hereby submitted for your consideration:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin has referred to the Board of Adjustment for its consideration the petition of Ann Pruitt, Austin, Texas, for a change in the "Use" District designation of Lot No. 125, Tarrytown No. 3, from an "A" Residence District to "B" Residence District; and

WHEREAS, the Board of Adjustment at a meeting held on April 19th, 1938, carefully considered the changing of the "Use" District designation of this property, and has viewed the premises and carefully studied the conditions and developments surrounding same and considered this change from all points of view from sound zoning principles; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of the "Use" District designation of the above described property is not recommended to the City Council for the following reasons:

1. That this is an application for a single lot and would therefore be a case of spot zoning.

2. That this section of the City of Austin is and will be an approved high class residential section and should have its residential character preserved, thereby stabilizing property values, and for the protection of those who have already provided property in view of its present classification.

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kuehne
Chairman.

May 2, 1938.

The following report of the Board of Adjustment was received:

"Hon. Mayor and City Council
Austin, Texas

Gentlemen:

The Board of Adjustment at a meeting held on April 19th, 1938, passed the following resolution, which is hereby submitted for your consideration:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin has referred to the Board of Adjustment for its consideration the petition of A. W. Thielepape, Austin, Texas, for

a change in the "Use" District designation of Lots 17, 18, 19, 20, 21, of Block No. 7, Military Heights Addition No. 2 of the City of Austin from Residential "A" District to "C" Commercial District; and

WHEREAS, the Board of Adjustment at a meeting held on April 19th, 1938, carefully considered the changing of the "Use" District designation of this property, and has viewed the premises and carefully studied the conditions and developments surrounding same and considered this change from all points of view from sound zoning principles; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of the "Use" District designation of the above described property is hereby recommended to the City Council for adoption.

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kuehne
Chairman.

May 3, 1938.

Upon motion, seconded and carried, a public hearing on the proposal to change the zoning of the property described in the foregoing report of the Board of Adjustment, from Residence "A" District to "C" Commercial District, was called for May 26, 1938, at 11:00 A. M.

The written request of Dr. H. B. Granberry, owner, to have the zoning classification of the property known as 1512-1514-1516 Fredericksburg Road changed to "C-2" Commercial District, was received and referred to the Board of Adjustment for recommendation.

Councilman Alford offered the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in SABINE STREET across East 23rd Street intersection, the centerline of which gas main shall be 24 feet east of and parallel to the west line of said Sabine Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(2) A gas main in WEST 8TH STREET from Theresa Avenue westerly 10 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said West 8th Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(3) A gas main in THERESA AVENUE from West 7th Street to West 8th Street, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Theresa Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(4) A gas main in THERESA AVENUE from a point 20 feet north of West 6th Street northerly 20 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Theresa Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(5) A gas main in SHOALWOOD AVENUE from West 47th Street southerly 125 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Shoalwood Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(6) A gas main in MAUFRAIS STREET southerly 32 feet from a point 193 feet south of the south line of West 12th Street, the centerline of which gas main shall be 15 feet west of and parallel to the east line of said Maufrais Street.

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Said gas main described above shall have a covering of not less than 2½ feet.

(7) A gas main in NATHAN STREET southerly 208 feet from a point 160 feet south of the south line of West 12th Street, the centerline of which gas main shall be 15 feet west of and parallel to the east line of said Nathan Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(8) A gas main in SHOALWOOD AVENUE from West 43rd Street northerly 352 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Shoalwood Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(9) A gas main in COURTLAND LANE from Bonnie Road northerly 256 feet, the centerline of which gas main shall be 13 feet west of and parallel to the east line of said Courtland Lane.

Said gas main described above shall have a covering of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent,.

Councilman Gillis offered the following resolution:

WHEREAS, J. M. Odom is the Contractor for the alteration of a building located at 608 Lavaca Street and desires a portion of the street and alley space abutting Lot "B", Block 72, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said J. M. Odom, the boundary of which is described as follows:

Street and Alley Working Space

Beginning at the southeast corner of the above described property; thence in an easterly direction and at right angles with the centerline of Lavaca Street to a point 12 feet east of the west curb line; thence in a northerly direction and parallel with the centerline of Lavaca Street 35 feet to a point; thence in a northwesterly direction at an angle of 60 degrees to a point 6 feet north of the northeast corner of the above described property; thence in a westerly direction and parallel with the centerline of the alley 80 feet to a point; thence in a southerly direction 6 feet to the northwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. M. Odom, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space on Lavaca Street, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor shall construct a guard rail within the boundary line along the alley of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(3) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(4) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(5) That "No Parking" signs shall be placed on the street side of the barricades.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9) That the contractor shall remove all fences, barricades, loose materials and other obstructions on the street and alley immediately after the necessity for their existence on said street and alley has ceased, such time to be determined by the City Manager, and in any event all such barricades, materials, equipment and other obstructions shall be removed not later than June 1, 1936.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building project, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5000.00), which shall protect, indemnify and hold

harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalk, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent,

An offer in writing, submitted by the Westenfield Development Company for Herman Jones, for the purchase of Lot 19 of Shoal Creek Boulevard Lots, for a consideration of \$600, payable \$200 in cash and the balance at \$50 per month with 6% interest, was received, and the City Manager was authorized to accept the offer.

Councilman Alford offered the following resolution:

WHEREAS, Eldon Powell Incorporated, acting by and through Eldon Powell, lessee of the property situated at the northeast corner of the intersection of West 20th Street and Guadalupe Street, which property abuts the east side of Guadalupe Street and the north side of West 20th Street, has made application to the City Council of the City of Austin for permission to set the curb back from the established curb line on the east side of Guadalupe Street and on the north side of West 20th Street at the above described location, thereby relieving traffic conditions by creating a greater width of travelway on Guadalupe Street and on West 20th Street; and

WHEREAS, a plan has been prepared showing the proposed layout of the above described curb setback, which plan is marked 2-H-594 and is hereto attached and made a part hereof, and said plan has been considered and approved by the City Council of the City of Austin; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission is hereby granted Eldon Powell Incorporated, acting by and through Eldon Powell, lessee of the property situated at the northeast corner of the intersection of West 20th Street and Guadalupe Street within the City of Austin, Travis County, Texas, which property abuts the east side of Guadalupe Street and the north side of West 20th Street, within the City of Austin, Travis County, Texas, to set the curb back from the established curb line on the east side of Guadalupe Street and on the north side of West 20th Street at the above described location.

Permission to construct the above described curb setback is granted subject to the same's being constructed in accordance with the plan approved by the City Engineer of the City of Austin, which plan is hereto attached, marked 2-H-594 and made a part hereof, and in accordance with the following conditions:

- (1) That the construction of the setback area on Guadalupe Street and on West 20th Street shall be carried out in accordance with the accompanying plan marked 2-H-594 and that all such widened areas, driveways or ramps and curbs shall be constructed of concrete at the expense of the applicant.
- (2) That all such concrete shall be not less than 6 inches in thickness and shall be of the following proportions: 1 part cement, 2½ parts of sand, and 4 parts of screened gravel or rock.
- (3) That the concrete curbs adjacent to the sidewalk area shall be not less than 6 inches high and that an expansion joint not less than ¾ inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-H-594.
- (4) That all such expansion joints shall be of the pre-moulded type.
- (5) That all concrete work within the street area shall be done by a bonded sidewalk contractor.

(6) That the applicant shall be required to clean the newly created ramp area at least twice per week and shall dispose of the debris at his expense.

(7) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the direction of the City Engineer.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

The following communication was received:

"Austin, Texas
May 5, 1938

City Council
Austin, Texas
Gulton Morgan
City Manager
Austin, Texas

Gentlemen:

This is to recommend that the Fire Station just completed at the corner of Windsor Road and Forest Trail be accepted by the City, as the contract has now been completed according to the plans and specifications.

Very truly yours,

Kreisle & Brooks

By Edwin C. Kreisle. "

Upon motion, seconded and carried, the Fire Station at the corner of Windsor Road and Forest Trail was accepted, subject to inspection.

A request from the American Legion for the use of Barton Springs and Zilker Parks for their celebration on July 2, 3, and 4, was received. Upon motion, seconded and carried, the request was granted subject to the same conditions as previous years, and the matter was referred to the City Manager to work out the details with the American Legion.

Councilman Alford moved that the following named persons be granted taxicab driver's permits, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division: Marshall Chapman, 2300 Wilson Street; and Ralph Curtis Dawson, 1805 East 4th Street. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

A written request from Bradfield & Brush, Agents for Owners, for the withdrawal of their application for a change in the zoning of the two tracts of land on Windsor Road just east of the intersection of Windsor Road with the Missouri Pacific Railroad, was received and referred to the Board of Adjustment.

Mayor Pro Tem. Wolf called up for its second reading the following ordinance:

AN ORDINANCE AMENDING IN THE CERTAIN PARTICULARS HEREINAFTER STATED AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES; AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY. "

The ordinance was read the second time, and upon motion of Councilman Gillis, the rule was suspended and the ordinance was passed to its third reading, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none;

Mayor Miller absent.

The ordinance was read the third time, and Councilman Alford moved that the ordinance be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

Upon motion of Councilman Alford, C. W. Youngbloom, 1009 Spence Street, was granted a license to operate a taxicab, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent,

Mayor Pro Tem. Wolf introduced the following resolution:

WHEREAS, it has been reported in the Austin papers that the Public Works Administration and Consulting Engineers have approved the plans of the Lower Colorado River Authority for the construction of the Tom Miller Dam; and

WHEREAS, this notice of approval has been received from Honorable Lyndon Johnson, United States Congressman from the Tenth District of Texas; and

WHEREAS, the City Council appreciates the fact that throughout the negotiations of the Colorado River Authority relative to this project the Honorable Lyndon Johnson has been of great service and assistance in securing the necessary appropriations and expediting the work; Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council hereby expresses to Congressman Johnson the appreciation of the City Council, and also the thanks of the City of Austin, for his splendid work on this project; and also expresses to him their thanks for his assistance and work on other improvement programs in Austin and Central Texas.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

The following resolution was introduced:

WHEREAS, City taxes for the years 1931 to 1937, inclusive, have been assessed and are delinquent on Lot 10, Block 3, Outlot 44, Division "B", Gammel & Taylor Subdivision, in the City of Austin, Travis County, Texas; and

WHEREAS, the above mentioned taxes were assessed in the name of W. C. Fairhilde, and amount to \$265.72 plus \$11.39 penalty and \$49.95 interest, or a total of \$327.06; and

WHEREAS, it is deemed equitable and advisable by the City Council to remit the full penalty in the sum of \$11.39 and one-third of said interest in the sum of \$16.65, on condition that said taxes be promptly paid; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the full penalty in the sum of \$11.39 is hereby remitted and one-third of the interest in the sum of \$16.65 is also remitted, making the total amount hereby remitted \$28.04, leaving the total amount due \$299.02; and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to issue a receipt to the proper party in full settlement of the aforesaid taxes, penalties and interest on the payment of the sum of \$299.02, and to charge the amounts hereby remitted off his assessment rolls.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Pro Tem. Wolf; nays, none; Mayor Miller absent.

Upon motion, seconded and carried, the meeting was recessed at 11:00 A. M., subject to call of the Mayor.

Attest:

Walter McKee City Clerk

Approved: Charles D. Wolf
Mayor Pro Tem